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11 Attorneys for Defendants
12 BANK OF AMERICA, N.A. and
RECONTRUST COMPANY, N.A.
13

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 JULIO MAYEN,
17 Plaintiff,

18 vs.

19 BANK OF AMERICA, N.A., and
20 RECONTRUST COMPANY, N.A.,
21 Defendants.

Case No. 3:13-02080-MMA-BGS
Hon. Michael M. Anello
Ctrm. 3A

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
RECONSIDERATION**

Date: April 14, 2014
Time: 2:30 p.m.
Crtrm.: 3A

Action Filed: September 5, 2013
Judg. Entered: January 7, 2014
Trial Date: None Set

1 Pursuant to Federal Rule of Evidence 201, Defendants BANK OF
2 AMERICA, N.A. and RECONTRUST COMPANY, N.A., (collectively
3 “Defendants”) request that the Court take judicial notice of the following facts.

4 Under Rule 201, facts appropriate for judicial notice are those “not subject to
5 reasonable dispute in that it is either (1) generally known within the territorial
6 jurisdiction of the trial court or (2) capable of accurate and ready determination by
7 resort to sources whose accuracy cannot reasonably be questioned.” FED. R. EVID.
8 201(b). Facts subject to judicial notice may be considered on a motion to dismiss.
9 *Mullis v. United States Bankr. Ct.*, 828 F.2d 1385, 1388 (9th Cir. 1987). Deeds,
10 Deeds of Trust and Accompanying Riders Attached to the Deeds of Trust, Notice of
11 Default, and Notice of Trustee’s Sale are documents that are “not subject to
12 reasonable dispute” and are “capable of accurate and ready determination by resort
13 to sources whose accuracy cannot reasonably be questioned.” FED. R. EVID. 201.
14 Courts commonly take judicial notice of deeds of trust and similar instruments. *See*,
15 *e.g.*, *Monaco v. Bear Stearns Residential Mortgage Corp.*, 554 F.Supp.2d 1034,
16 1036 n. 1 (C.D. Cal. 2008). As set forth herein, the following document requested
17 to be judicially noticed is not subject to reasonable dispute, in that it is “capable of
18 accurate and ready determination by resort to sources whose accuracy cannot
19 reasonably be questioned” within the meaning of Federal Rules of Evidence 201(b):
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1 1. A true and correct copy of the "Notice of Rescission of Declaration of
2 Default and Demand for Sale and of Notice of Default and Election to Sell"
3 recorded on January 27, 2014, in the San Diego County Recorder's office as
4 instrument number 2014-0033979 is attached hereto as **Exhibit A**.

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6 DATED: March 19, 2014

SEVERSON & WERSON
A Professional Corporation

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9 By: /s/ Elizabeth C. Farrell
Elizabeth C. Farrell

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11 Attorneys for Defendants BANK OF
12 AMERICA, N.A. and RECONTRUST
13 COMPANY, N.A.
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